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November 30, 2010

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CLIENT/MATTER NUMBER
098668-0101

VIA FAX <866-947-5587>

CONFIRMATION COPY VIA FEDEX

Comcast Communications LLC
Legal Response Center
650 Centerton Road
Moorestown, New Jersey 08057

Re: *DigiProtect USA Corp. v. Does 1-240*
Case No. 10 Civ. 8760 (PAC) (HP)

To Whom It May Concern:

We represent the plaintiff DigiProtect USA Corp. ("DigiProtect") in the above-referenced action, pending before the Honorable Judge Paul A. Crotty. DigiProtect seeks to prevent the unlawful copying of copyrighted works through the use of so-called "peer-to-peer" and "swapping" networks by currently unknown parties (the "Doe Defendants"). Judge Crotty's Order of November 29, 2010 (copy attached) has given DigiProtect leave to serve limited early discovery to determine the true identities of the Doe Defendants. DigiProtect has gathered the Internet Protocol ("IP") addresses of the infringers, along with the times and dates of their infringing activity, attached as Exhibit A to the enclosed subpoena. The subpoena seeks the actual names and addresses of certain Doe Defendants who are your subscribers. As noted in the Order, the information sought will only be used for the purposes of this litigation and will not be otherwise disseminated.

We would like to work with you as efficiently as possible. We would be happy to send you the Schedule A list of subpoenaed IP addresses by email, so that you will not have to type them in by hand, and we are additionally willing to consider any other reasonable accommodation. Please let us know that you have received the subpoena and that by hand service will not be required. Please also let us know any way we can be of assistance to lessen the burden on you.

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TAMPA
TOKYO
WASHINGTON, D.C.



FOLEY & LARDNER LLP

November 30, 2010

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Please do not hesitate to contact me if you would like to discuss this matter further.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Britton Payne', written over the typed name.

Britton Payne

JBP

Enclosures

cc: DigiProtect USA Corp. (via email)
Jonathan Moskin, Esq. (via email)

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey

DIGIPROTECT USA CORPORATION

Plaintiff

v.

DOES 1-240

Defendant

Civil Action No. 10-cv-8760 (PAC) (HP)

(If the action is pending in another district, state where:

Southern District of New York)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Comcast Communications LLC, Legal Response Center, 650 Centerton Road
Moorestown, New Jersey 08057 Fax: 866-947-5587

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Schedule A

Place: Foley & Lardner, LLP, 90 Park Avenue
New York, NY 10016

Date and Time:

12/28/2010 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 11/30/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

DIGIPROTECT USA CORPORATION, who issues or requests this subpoena, are:

Britton Payne, tel: 212-338-3534, bpayne@foley.com
Foley & Lardner, LLP, 90 Park Avenue, New York, NY 10016

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 10-cv-8760 (PAC) (HP)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

SCHEDULE A

Pursuant to Rule 45 of the Federal Rules of Civil Procedure you are hereby requested to produce for inspection and copying the following records and documents:

1. Documents sufficient to reveal the identity of the Comcast Cable account holder(s) associated with the IP addresses as used on the dates and times detailed in the chart below, including, but not limited to documents that identify the true name, account number, street or postal address, telephone number and e-mail address of the owner of each account holder to the full extent that such information is available:

Does 14-109	Ref. No.	Provider (ISP)	IP Address	Date	Time
14.	107	Comcast Cable	24.2.145.64	11.10.2010	18:48
15.	341	Comcast Cable	76.28.111.166	23.10.2010	12:53
16.	19	Comcast Cable	98.211.68.51	09.10.2010	02:32
17.	30	Comcast Cable	76.119.30.213	09.10.2010	10:17
18.	119	Comcast Cable	76.119.15.19	12.10.2010	06:46
19.	133	Comcast Cable	76.119.30.213	12.10.2010	18:35
20.	141	Comcast Cable	71.232.179.203	12.10.2010	22:37
21.	142	Comcast Cable	66.31.222.179	12.10.2010	22:37
22.	150	Comcast Cable	76.119.15.19	13.10.2010	07:26
23.	190	Comcast Cable	76.119.30.213	14.10.2010	21:48
24.	205	Comcast Cable	76.119.30.213	16.10.2010	01:50
25.	212	Comcast Cable	98.216.238.105	16.10.2010	15:44
26.	245	Comcast Cable	71.232.179.203	18.10.2010	04:58
27.	329	Comcast Cable	24.61.142.53	22.10.2010	18:57
28.	331	Comcast Cable	71.232.179.203	23.10.2010	00:31
29.	334	Comcast Cable	75.67.17.166	23.10.2010	01:25
30.	349	Comcast Cable	24.61.142.53	24.10.2010	01:03
31.	357	Comcast Cable	24.63.6.232	28.10.2010	20:58
32.	383	Comcast Cable	24.34.101.207	03.11.2010	05:26
33.	401	Comcast Cable	71.232.179.203	10.11.2010	07:54
34.	403	Comcast Cable	24.61.142.53	10.11.2010	07:54
35.	9	Comcast Cable	69.143.112.132	08.10.2010	19:25
36.	28	Comcast Cable	98.233.117.76	09.10.2010	09:41
37.	79	Comcast Cable	98.233.117.76	10.10.2010	16:10
38.	230	Comcast Cable	98.231.144.20	17.10.2010	05:30
39.	296	Comcast Cable	69.138.213.28	20.10.2010	23:38
40.	342	Comcast Cable	69.137.234.56	23.10.2010	12:53
41.	165	Comcast Cable	24.128.28.192	13.10.2010	23:40
42.	103	Comcast Cable	68.80.188.112	11.10.2010	15:29
43.	108	Comcast Cable	69.141.70.147	11.10.2010	18:48
44.	116	Comcast Cable	68.45.9.221	12.10.2010	02:44
45.	164	Comcast Cable	68.39.131.7	13.10.2010	19:42
46.	268	Comcast Cable	68.36.165.104	19.10.2010	12:13

Does 14-109	Ref. No.	Provider (ISP)	IP Address	Date	Time
47.	3	Comcast Cable	98.219.187.245	08.10.2010	18:44
48.	14	Comcast Cable	71.206.255.206	09.10.2010	02:12
49.	48	Comcast Cable	69.142.138.151	09.10.2010	20:59
50.	76	Comcast Cable	98.237.90.236	10.10.2010	12:39
51.	85	Comcast Cable	71.224.121.18	10.10.2010	20:26
52.	90	Comcast Cable	98.235.115.139	10.10.2010	23:16
53.	99	Comcast Cable	24.23.100.143	11.10.2010	00:59
54.	220	Comcast Cable	69.249.77.205	16.10.2010	20:22
55.	252	Comcast Cable	71.230.77.20	18.10.2010	05:06
56.	254	Comcast Cable	174.49.136.204	18.10.2010	08:08
57.	292	Comcast Cable	98.219.187.245	20.10.2010	15:20
58.	317	Comcast Cable	98.219.187.245	22.10.2010	06:39
59.	347	Comcast Cable	71.225.34.93	23.10.2010	19:11
60.	348	Comcast Cable	68.38.68.146	24.10.2010	01:03
61.	270	Comcast Cable	67.187.16.48	19.10.2010	17:56
62.	321	Comcast Cable	67.187.16.48	22.10.2010	12:22
63.	340	Comcast Cable	98.204.165.50	23.10.2010	12:52
64.	400	Comcast Cable	24.131.4.188	10.11.2010	03:44
65.	101	Comcast Cable	24.60.28.181	11.10.2010	11:22
66.	313	Comcast Cable	76.125.248.52	22.10.2010	01:08
67.	344	Comcast Cable	76.125.248.52	23.10.2010	13:12
68.	93	Comcast Cable	71.203.17.177	10.10.2010	23:16
69.	173	Comcast Cable	98.203.30.211	14.10.2010	03:44
70.	236	Comcast Cable	98.203.122.108	17.10.2010	05:35
71.	365	Comcast Cable	67.190.217.162	01.11.2010	02:38
72.	388	Comcast Cable	76.110.213.86	05.11.2010	22:04
73.	40	Comcast Cable	24.99.214.32	09.10.2010	17:51
74.	54	Comcast Cable	68.54.176.206	10.10.2010	00:50
75.	132	Comcast Cable	68.47.117.219	12.10.2010	18:34
76.	183	Comcast Cable	67.191.231.36	14.10.2010	17:04
77.	201	Comcast Cable	68.51.177.114	15.10.2010	16:08
78.	223	Comcast Cable	24.126.136.14	16.10.2010	20:22
79.	283	Comcast Cable	98.252.231.26	20.10.2010	09:43
80.	126	Comcast Cable	75.64.147.120	12.10.2010	12:44
81.	144	Comcast Cable	67.177.169.113	12.10.2010	22:43
82.	181	Comcast Cable	75.65.0.33	14.10.2010	17:04
83.	221	Comcast Cable	75.65.0.33	16.10.2010	20:22
84.	274	Comcast Cable	75.66.157.10	19.10.2010	17:57
85.	1	Comcast Cable	68.51.24.223	08.10.2010	18:44
86.	196	Comcast Cable	98.239.58.161	15.10.2010	06:46
87.	217	Comcast Cable	98.239.58.161	16.10.2010	15:50
88.	286	Comcast Cable	98.239.58.161	20.10.2010	09:44
89.	319	Comcast Cable	68.51.37.157	22.10.2010	12:20
90.	134	Comcast Cable	75.65.73.14	12.10.2010	18:35
91.	198	Comcast Cable	75.65.73.14	15.10.2010	07:02
92.	219	Comcast Cable	75.65.73.14	16.10.2010	16:05
93.	251	Comcast Cable	75.65.73.14	18.10.2010	05:01

Does 14-109	Ref. No.	Provider (ISP)	IP Address	Date	Time
94.	375	Comcast Cable	75.65.73.14	02.11.2010	01:11
95.	120	Comcast Cable	24.14.24.216	12.10.2010	10:35
96.	156	Comcast Cable	98.212.125.65	13.10.2010	14:33
97.	182	Comcast Cable	98.206.75.102	14.10.2010	17:04
98.	185	Comcast Cable	76.16.132.116	14.10.2010	17:04
99.	187	Comcast Cable	98.223.88.81	14.10.2010	19:20
100.	258	Comcast Cable	98.193.90.223	18.10.2010	15:11
101.	387	Comcast Cable	71.201.46.3	04.11.2010	10:13
102.	37	Comcast Cable	68.54.210.218	09.10.2010	17:50
103.	111	Comcast Cable	68.54.210.218	11.10.2010	19:10
104.	135	Comcast Cable	98.228.15.137	12.10.2010	18:35
105.	222	Comcast Cable	68.54.210.218	16.10.2010	20:22
106.	264	Comcast Cable	67.174.90.25	19.10.2010	01:46
107.	278	Comcast Cable	68.54.210.218	19.10.2010	18:33
108.	309	Comcast Cable	69.245.196.119	22.10.2010	00:33
109.	243	Comcast Cable	69.242.161.111	18.10.2010	04:58

(R-577,57)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

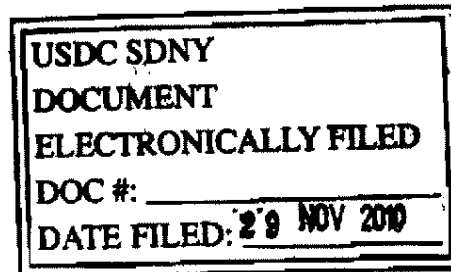
DIGIPROTECT USA CORPORATION

Plaintiff,

v.

JOHN/JANE DOES 1-240

Defendants.



Case No.: No. 10 cv 8760 (PAC)

**ORDER TO SHOW CAUSE
PERMITTING EXPEDITED
DISCOVERY**

Upon the declaration of Jens Rommel, sworn to on November 18, 2010, the Plaintiff's accompanying Memorandum of Law in support of the motion expedited discovery, the Complaint and all of the pleadings and proceedings had herein, it is hereby,

ORDERED that the Plaintiff may serve on the Internet service providers ("ISPs") identified in the schedule attached hereto as Exhibit A immediate discovery in the form of the Rule 45 subpoena attached hereto as Exhibit B, such service to be made together with a copy of this Order; and it is further

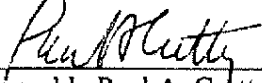
ORDERED, that, subject to the right of each ISP to challenge this Order upon notice to Plaintiff's counsel prior to the return date of the subpoena, each ISP served hereunder shall within ^{Jen (v) PK} ~~seven (7)~~ calendar days of such service of this Order notify each of the subscribers whose identities are sought herein; and each such subscriber shall have ²⁸ ~~30~~ days from the date thereof to submit any opposition to the subpoena(s); and it is further

ORDERED that each ISP shall preserve any subpoenaed information pending the resolution of this matter or any timely filed motion to quash; and it is further

ORDERED that any information disclosed to Plaintiff's counsel shall be used solely for purposes of protecting Plaintiff's rights in connection with this litigation and shall not otherwise

be disseminated.

SO ORDERED:



Honorable Paul A. Crotty
United States District Judge *pm*

Dated: November 29, 2010